

**REMARKS**

Claims 1-26 are all the claims pending in the application.

***Claim Objections***

Claim 25 has been objected to by the Examiner. Applicants have changed the dependency of claim 25 as suggested by the Examiner. The Examiner is respectfully requested to withdraw the objection.

***Claim Rejections, 35 U.S.C. § 112, first paragraph***

Claims 1-26 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants have amended independent claims 1, 3, 5, and 7. It is respectfully submitted that claims 1-26 comply with 35 U.S.C. § 112, first paragraph.

***Claim Rejections, 35 U.S.C. § 112, second paragraph***

Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges that the limitation “said data recording system” recited in claims 1 and 3 has insufficient antecedent basis.

Applicants submit that the 112, second paragraph rejection of claims 1-4 is improper because there is sufficient antecedent basis for the limitation “said data recording system”. For example, line 3 of claim 1 and line 2 of claim 3 recites “a data recording system”. The Examiner is respectfully requested to withdraw the 112, second paragraph rejection of claims 1-4.

***35 U.S.C. § 103(a) Rejections***

Claims 1-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jaquette US Patent Application Publication No. 20030074319 (hereinafter “Jaquette”) in view of Nakanishi et al. USPN 7,080,259 (hereinafter “Nakanishi”).

Applicants respectfully traverse the rejections for at least the following reasons.

**Independent Claim 1**

Claim 1 recites, *inter alia*, a recording media that includes an Integrated Circuit (IC) chip configured to record a key data element, and a cartridge configured to record the encryption data.

The Examiner contends that Jaquette suggests this feature of claim 1. Specifically, the Examiner cites to paragraphs 65, 73, and 75 as disclosing this feature of claim 1. See Office Action page 4.

Jaquette discloses data stored on cartridges 506a,..., 506n. Jaquette also states that to read or write data in these cartridges, the cartridges would have to be placed in the interface device 502. Jaquette further discloses a host 500 generating an MRU key to encode and decode data stored on the cartridges 506a thru 506n. An Interface device public key ( $K_I$ ) is used to encrypt the MRU key and an interface private key ( $J_I$ ) is used to decrypt the MRU key. Jaquette also discloses storing the encrypted MRU key to the storage cartridges 506. Using a decrypted MRU key, the data can be encoded and decoded and then stored on the storage cartridges 506. See [0064]-[0075].

Based on the Examiner's analysis presented in the Office Action, it appears that the MRU key and the interface private key ( $J_I$ ) to decrypt the MRU key, correspond to the claimed encrypted data and the key data respectively. It also appears that the Examiner is reading the storage cartridge 506a thru 506n on the claimed recording media that includes the cartridge to store encrypted data and an IC chip to store the key data element. To the extent that Jaquette discloses storing the encrypted MRU key on storage cartridges 506, it does not teach or even suggest storing the private key  $J_I$  on an IC chip. Further, Applicants submit that Jaquette merely discloses a cartridge for storing encoded data and the encrypted MRU key. However, Jaquette

does not teach or even suggest a recording media that includes the cartridge 506 to store the encrypted data (the MRU key in Jaquette according to the Examiner) and an IC chip to store a key data element.

Nakanishi does not cure these deficiencies of Jaquette. Therefore, claim 1 is patentable over the combination of Jaquette and Nakanishi because even assuming *arguendo* that Nakanishi and Jaquette may be combined, their combination does not teach every feature of claim 1.

The reasons discussed for the patentability of claim 1 apply to independent claims 3, 5, and 7 also.

### **Independent Claim 7**

In addition to the reasons discussed above, claim 7 is patentable over the combination of Jaquette and Nakanishi because their combination does not teach or even suggest writing said encryption data in part of plurality of said recording media by said drive, and storing said key data in said key data storing unit of any one of other recording media.

The Examiner contends that Nakanishi discloses this feature of claim 7. However, Nakanishi discloses generating encryption electronic information by encrypting electronic value information obtained from the electronic wallet means 101. See col. 20 lines 42-46 and Fig. 13. Nakanishi further discloses storing the encryption electronic information in electronic storage means 113 coupled with the partial key group A. See col. 20 lines 46-55 and Fig. 13. Simply put, Nakanishi discloses that the encryption electronic information is stored in the same storage means as the partial key group A. See col. 20 lines 46-55 and Fig. 13. Therefore, Nakanishi does not disclose storing the key data in a key data storing unit of any recording media “other” than the recording media storing the encryption data.

Therefore, Applicants submit that claim 7 contains patentable subject matter and request the Examiner to withdraw the rejection of claim 7.

Regarding claim 26, the Examiner states that Nakanishi discloses storing more than one key data element in at least one of the recording media. However, Nakanishi col. 21, lines 7-11 merely discloses dividing the encrypted electronic value information and storing more than one of the divided pieces in one electronic safe means. Applicants submit that the Examiner is being inconsistent in his analysis, because the encrypted electronic value information (EEVI) cannot be regarded as the key data and hence storing multiple divided pieces of EEVI does not correspond to storing more than one key data element in a single recording medium. Therefore, the rejection of claim 26 should be withdrawn.

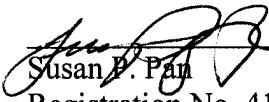
The remaining dependent claims are patentable at least by virtue of their dependency.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: November 16, 2007